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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 JOHN THOMAS FALVEY,

Case No. 3:23-cv-00125-ART-CLB

7 Plaintiff,

ORDER

8 v.

9 MARTY FREESE, *et al.*,

10 Defendants.

11 *Pro se* Plaintiff John Thomas Falvey brings this action under 42 U.S.C. §  
12 1983 for alleged harms suffered before his imprisonment and for alleged harms  
13 suffered in the Elko County Detention Center. Before the Court is the Report and  
14 Recommendation (“R&R” or “Recommendation”) of United States Magistrate  
15 Judge Carla Baldwin (ECF No. 6), recommending this action be dismissed  
16 without prejudice. Plaintiff had until May 26, 2023 to file an objection. To date,  
17 no objection to the R&R has been filed. For this reason, and as explained below,  
18 the Court adopts the R&R, and will dismiss the case without prejudice.

19 The Court “may accept, reject, or modify, in whole or in part, the findings  
20 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where  
21 a party fails to object to a magistrate judge’s recommendation, the Court is not  
22 required to conduct “any review at all . . . of any issue that is not the subject of  
23 an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*  
24 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the  
25 magistrate judges’ findings and recommendations is required if, but *only* if, one  
26 or both parties file objections to the findings and recommendations.”) (emphasis  
27 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that  
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1 the Court “need only satisfy itself that there is no clear error on the face of the  
2 record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct de novo review  
4 and is satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin  
5 recommends dismissing the action without prejudice because of Plaintiff’s failure  
6 to prosecute the case and failure to timely comply with an order to submit a  
7 complete application to proceed *in forma pauperis*. (ECF No. 6 at 2.) The Court  
8 agrees with Judge Baldwin. Having reviewed the R&R and the record in this case,  
9 the Court will adopt the R&R in full.

10 IT IS THEREFORE ORDERED that Judge Baldwin’s Report and  
11 Recommendation (ECF No. 6) is accepted and adopted in full.

12 IT IS FURTHER ORDERED that this action be dismissed without  
13 prejudice.

14 The Clerk of the Court is directed to enter judgment accordingly.

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16 DATED THIS 3<sup>rd</sup> day of November 2023.

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19 ANNE R. TRAUM  
20 UNITED STATES DISTRICT JUDGE  
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